

S/N 10/775,655

Response dated August 18, 2004

Reply to Office Action of June 23, 2004

Remarks

This Amendment involves the Examiner's Office Action of 6/23/04. In the Office Action, Claims 35 - 42 and 44 were withdrawn by the Examiner as involving a non-elected invention. Such claims have been cancelled without prejudice. Regarding the remaining claims (Claims 23 - 34 and 43), Claim 43 was rejected under 37 C.F.R. 1.75 as being a substantial duplicate of Claim 31. Claim 43 has likewise been cancelled without prejudice in the current application. Claims 23 - 34 (and 43 which has been cancelled) were rejected under the doctrine of "obviousness-type double patenting". Enclosed herewith is a duly executed Terminal Disclaimer which effectively overcomes this rejection. Finally, Claim 29 has been amended in a non-substantive fashion for clarification and consistency purposes. In particular, Claim 29 should depend on Claim 23 (instead of Claim 21) with this change being reflected above. A more detailed discussion of the current status of the present application and the actions taken herein will now be presented.

On Pages 2 - 3 of the current Office Action, the Examiner set forth a restriction requirement in which the claims were divided into three (3) groups as follows: (A) Group I: "Claims 23-34 and 43, drawn to print media, classified in class 428, subclass 32.38"; (B) Group II: "Claims 35-38, drawn to composition, classified in class 524, subclass 503"; and (C) Group III: "Claims 39-42 and 44, drawn to method of making, classified in class 427". As noted in the present Office Action, Claim Group I has been elected in this case, with the other claims being cancelled without prejudice as indicated above. Applicants hereby affirm the election of Claim Group I for prosecution in the present application and again reserve

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the right to file one or more divisional applications involving the non-elected claims at a future date.

On Page 4 of the present Office Action, Claim 43 was objected to under 37 C.F.R. 1.75 as being a substantial duplicate of Claim 31. In accordance with the duplicative status of Claim 43, this claim has been cancelled without prejudice as noted above. While the subject matter of Claim 43 is entitled to patent protection, it is being cancelled herein for the sole reason that it is identical to Claim 31 which remains in this case.

Finally and with continued reference to Page 4 of the Office Action, Claims 23 - 34 (and now-cancelled Claim 43) were rejected under the judicially-created doctrine of "obviousness-type double patenting" relative to Claims 1 - 12 and 21 of commonly-owned issued U.S. Patent No. 6,689,433. Enclosed herewith is a duly-executed Terminal Disclaimer document which satisfies all of the requirements of 37 C.F.R. 1.321(c). The submission of this document therefore overcomes the above-listed rejection. It is also respectfully submitted that the filing of the enclosed Terminal Disclaimer document shall not constitute an admission of any kind regarding the patentability of Claims 23 - 34 and/or the above-mentioned obviousness-type double patenting rejection. Instead, this document is being submitted entirely to expedite the prosecution of this case since no other rejections of Claims 23 - 34 have been made in the current application which are now fully allowable.


In accordance with the information, amendments, and submissions set forth above, Claims 23 - 34 are clearly in condition for allowance and a Notice of Allowance is

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anticipated at an early date. Should the Examiner have any questions concerning this Response (or should anything further be needed), please let us know and we would be pleased to provide the needed materials or information.

Respectfully submitted,

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Jay R. Malkin
Registration No. 31,393
KLAAS, LAW, O'MEARA & MALKIN, P.C.
1999 Broadway, Suite 2225
Denver, Colorado 80202
(303) 298-9888